

# ***Voluntary Agricultural Districts***



**2018 Regional Preservation Workshops**  
May 2018

# Agenda

## 2018 Regional Preservation Workshops Agenda

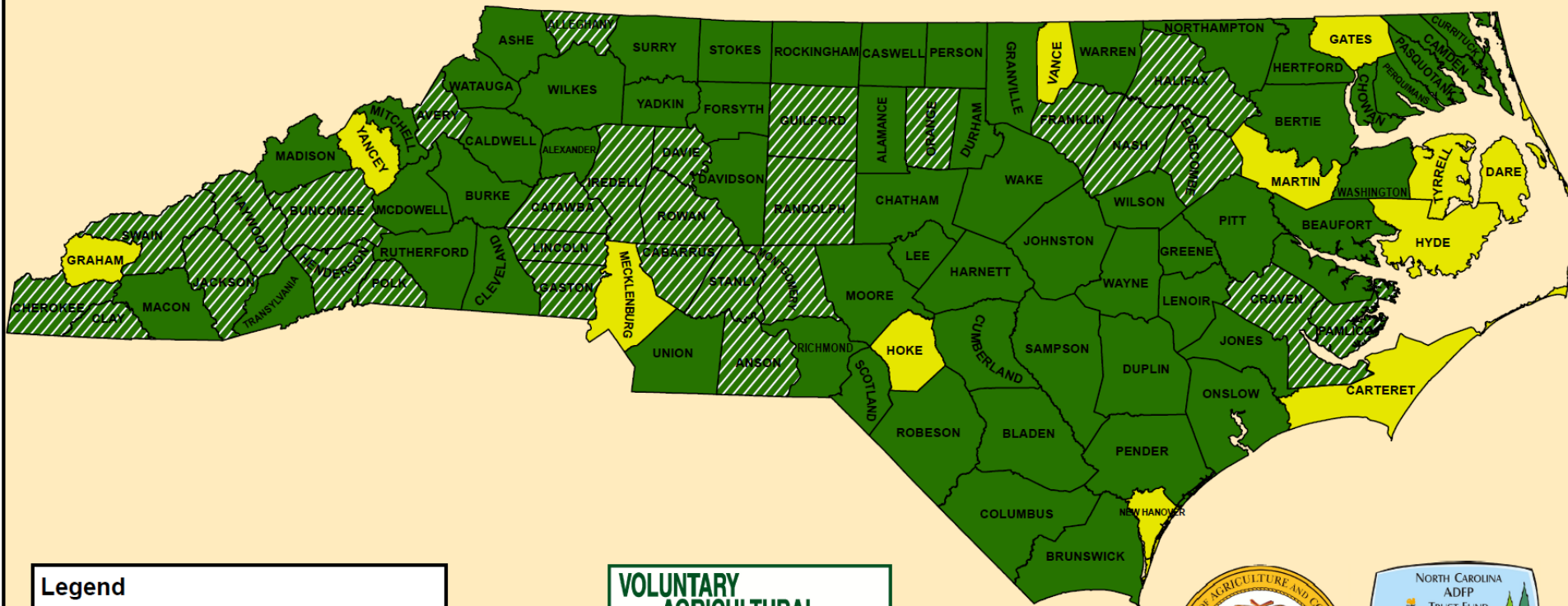
Time	Session
9:30 AM	Welcome
9:40 AM	VAD Program Overview
10:00 AM	How to Find and Sustain Local Leadership
10:45 AM	Break – Refreshments brought to you by Farm Bureau
11:00 AM	Legal and Technical Issues
12:00 PM	Lunch - Brought to you by the North Carolina Farm Credit Network and the NC State Grange
1:00 PM	The Importance of Local Data and GIS
1:45 PM	How VAD Fits in the City/County Planning Process for NCDOT
2:45 PM	Other Conservation Programs for Landowners
3:15 PM	Question and Answer Session
3:30 PM	Adjourn

# Voluntary Agricultural Districts Overview

- N.C. General Statutes Chapter 106, Article 61: The Farmland Preservation Enabling Act allows counties to adopt ordinances which provide for voluntary ag districts.
- § 106-738(b): The purpose of such agricultural districts shall be to increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms.
- The VAD program is a county-level ordinance that establishes an Agricultural Advisory Board that provides a voice for farm, forestry and horticultural interests in local government.






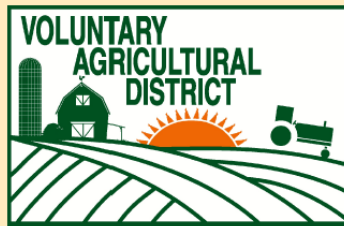
# VOLUNTARY AGRICULTURAL DISTRICTS



## Legend

### 88 Counties with VAD Programs

-  Voluntary Agricultural District Programs (59)
-  Enhanced VAD Programs (29)
-  None (12)





# VAD Statewide Statistics

Farms Enrolled in the VAD Program Statewide	9,529
Acres of Farmland Enrolled in the VAD Program Statewide	782,423
Farms Enrolled in the Enhanced VAD Program Statewide	654
Acres of Farmland Enrolled in the Enhanced VAD Program Statewide	50,931
Total Farms Enrolled in the VAD and EVAD Program Statewide	10,183
Total Acres of Farmland Enrolled in the VAD and EVAD Program Statewide	833,354

# VAD Benefits

- § 106-739. Agricultural advisory board
  - Must be formed to comply with statute
  - Review and make recommendations concerning the establishment and modification of agricultural districts, and any ordinance or amendment adopted or proposed for adoption
  - Advises Board of Commissioners on agricultural issues
  - Runs VAD program (assistance from administrative entity like Soil and Water)
  - Holds public hearings on public projects affecting agriculture, especially condemnation of farmland
  - Each district must be represented on Board
  - Majority of the Board should be actively engaged in farming

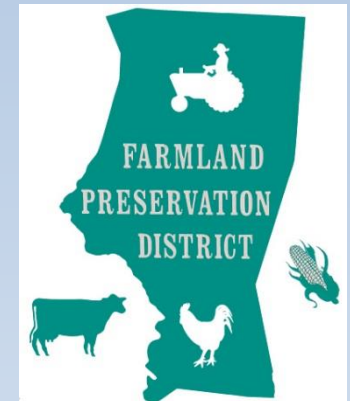
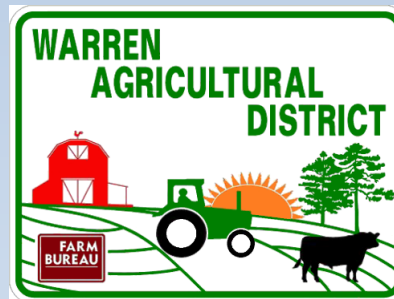
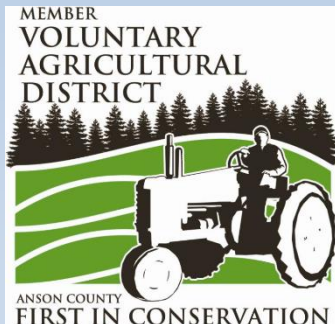
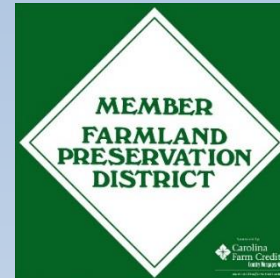
# VAD Benefits

- § 106-740. Public hearings on condemnation of farmland
  - “...may provide that no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district under this Part or an enhanced voluntary agricultural district under Part 3 of this Article until such agency has requested the local agricultural advisory board established under G.S. 106-739 to hold a public hearing on the proposed condemnation.”
  - The Ag Advisory Board submits written findings and a recommendation to the decision-making body of the agency proposing acquisition.
  - Have 30 days after receiving a request to hold the public hearing and submit its findings and recommendations to the agency.
  - The agency may not formally initiate a condemnation action while the proposed condemnation is properly before the advisory board within these time limitations.



# VAD Benefits

- § 106-741. Record notice of proximity to farmlands
  - County Geographic Information System (GIS) to notify the public of tracts or parcels “**within one-half mile of a voluntary agricultural district.**”
  - Deed notation
  - Mapping
  - Signage



# VAD Benefits

- § 106-742. Waiver of water and sewer assessments
  - “A county or a city that has adopted an ordinance under this Part may provide by ordinance that its water and sewer assessments be held in abeyance, with or without interest, for farms, whether inside or outside of a voluntary agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.”
  - The ordinance may provide that, when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
  - Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
  - Nothing in this section is intended to diminish the authority of counties or cities to hold assessments in abeyance

# Qualifying Farmland

- To qualify for inclusion in an Ag District, farmland must:
  - Meet definition of “Agriculture” from N.C.G.S. 106-581.1
    - Crops, horticulture, forestry
    - Livestock and dairy (includes poultry, horses, and bees)
    - Aquaculture
    - Agritourism and value-added operations for items produced on the farm
    - Public or private grain warehouse or warehouse operation
    - General farm operations
  - Managed on accordance with NRCS practices for highly erodible land
  - Subject to a 10-year Conservation Agreement



# Qualifying Farmland - Minimum Acreage Requirement

- County Commissioners set minimum required acreage.
- May require one or more farms

## Conservation Agreement

- Landowner agrees to use land only for farm purposes for next ten years
- Allows creation of up to three residential lots
- Freely revocable by landowner upon written notice to the County
- May be recorded

# Enhanced Voluntary Ag District Programs

- Requires a 10 year irrevocable Conservation Agreement
- Must be recorded
- Automatically renews for 3 years after the initial period unless notice is given by the landowner
- § 106-743.5. Waiver of utility assessments
  - All assessments for utilities provided by that county or city are held in abeyance, with or without interest, for EVAD farms
  - Similar provisions as for VADs and the waiver of water and sewer assessments
- Offers additional benefits to the landowner:
  - May sell nonfarm products without losing zoning exemption.
  - 90% cost share
  - EVAD may receive priority consideration for grants.

# Advantages of Ag District Program

- It's completely voluntary
- It's flexible - counties may add other programs to be run by Ag Advisory Board for the Ag Districts

# Limitations of Ag District Program

- Protection against nuisance suits is not absolute
- It's not uniform statewide



# Adopting a VAD Ordinance

- Stakeholder meetings
- Support from county leadership, county agencies, private and nonprofit partners, and farmers and landowners
- Development of VAD ordinance
  - Models ordinances are available
- Approval from County Manager and County Attorney
- Passage by County Board of Commissioners

# FAQs

- How are municipalities affected by the VAD ordinance?
- Is there assistance available to develop an ordinance?
  - ADFP Trust Fund grants are available to fund the development of the VAD ordinance. Grant Cycle XII opens October 15, 2018
- What resources are available to counties?
  - State VAD Workgroup
  - Coming soon: [www.NCVAD.org](http://www.NCVAD.org)
  - Documents, links, and contact information available through [www.NCADFP.org](http://www.NCADFP.org)

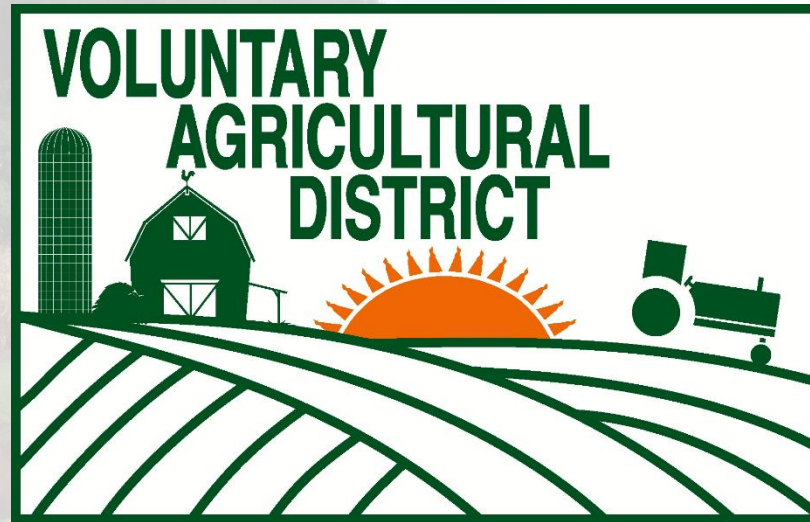


# *Questions?*





# ***How To Find and Sustain Local Leadership for your VAD***

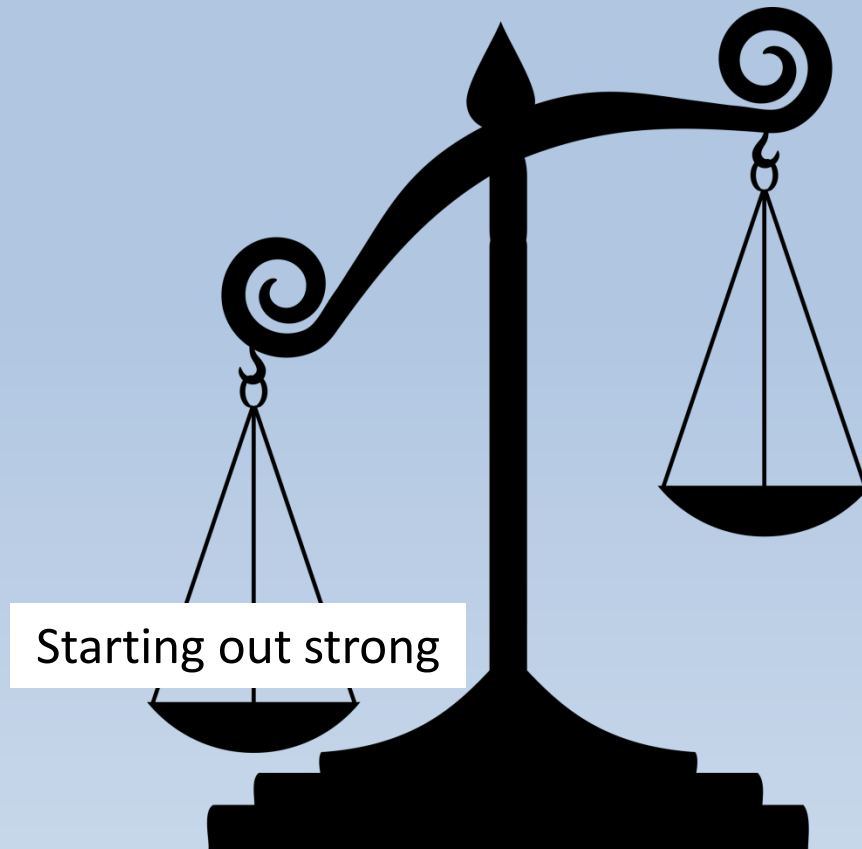


# Cast Your Vote

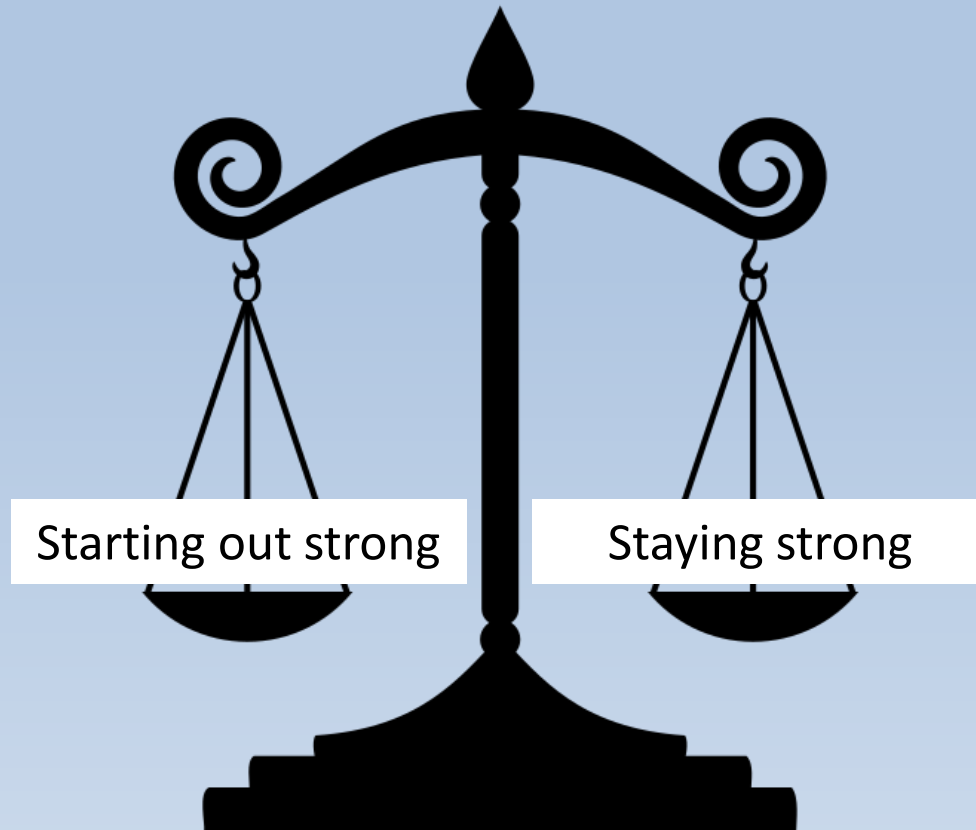
- On a scale of 1 to 3, with 1 being the strongest, 2 is medium, and 3 is needs improvement:
  - How do you rate the leadership and activeness of the Agricultural Advisory Board (VAD Board)?
  - How well known is the VAD program in your county?
  - How do you rate your program overall?



There is almost always interest in starting a VAD and strong leadership is present. The key is maintaining it.



- Motivated administrators
- Community leaders
- New active members



# Do you know how your VAD started?

- How did the initial conversation about a VAD program begin? With farmers and landowners? County staff? Elected officials?
- Who were the major stakeholders involved in the planning, development, and passage of the VAD ordinance?
- What were the hurdles? Where did you find support?



# What makes a strong VAD program?

- Staff that takes a leading role with program administration
- Adding landowners and acreage every year
- Keeping the program current by reviewing the VAD files annually
- Keeping board members enthusiastic and challenged





# How many of these questions can you answer?

- 1. What is the purpose of your VAD?
- 2. What is the vision of your VAD?
- 3. What are the goals of your VAD?
- 4. What is being done to accomplish those goals?
- 5. What *should* your board members be doing, what are they *willing* to do, and what *are* they doing?
- 6. What has your VAD accomplished both long term and during the past year?



# How many of these questions can you answer?

- 7. Have you asked your board members to compile a list of future women and men to serve on your AAB?
- 8. How are you publicizing or communicating the accomplishments of your VAD?
- 9. What is being done each year to recruit landowners to sign-up for your VAD?
- 10. Are meetings of your AAB orderly and with an agenda?
- 11. What is the condition of the economy, farms and forestry in your county?
- 12. Is there anything that farms and forestry operations in your county need that the VAD can address?

# County Spotlight

- What are things your VAD program does well?
- In what areas can your program improve?
- What are your AAB meetings like?
- What is application process?
- How do you communicate news and updates to members and the general public?
- What would you change about the VAD program?

# Best Practices

- Update VAD statistics regularly, including yearly report to NCDA&CS
- Have a GIS layer and update it regularly
- Communicate successes and spotlight members to county leadership and the public
- Hold regular AAB meetings
- Recruitment for program and board
- Thank your farmers and landowners

# Break



Review of State Law Requirements and Local Government  
Discretion

# **LEGAL ISSUES IN VAD AND EVAD**

# MINIMUM ACREAGE

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Counties have differing goals

- Some want to protect urban farms
- Some more focused on larger ag areas

Counties and municipalities have discretion to set their own minimum acreage. No longer tied to Present Use-Value



# RECORD NOTICE

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- ✗ Could be stand-alone ordinance
- ✗ Property within 600 feet of any ag operation
- ✗ Property within 1/2 mile of :
  - + Poultry or swine operation
  - + Ag District

Where may county exercise discretion?

# ENFORCEMENT OF CONSERVATION AGREEMENT

- ✗ VAD – What is there to enforce?
- ✗ EVAD – Irrevocable for 10 years
  - + Who monitors and enforces?
  - + Where does the money for enforcement come from?
  - + Injunction, Penalty, Recoupment of Benefits
  - + What specific enforcement rights do counties have?

# AG ADVISORY BOARD

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- ✕ State Law Requirements
  - + VAD statute
  - + Other state requirements



# REPRESENTATION ON AG ADVISORY BOARD

- ✘ State law requires “that each (such) district have a representative on the agricultural advisory board.”
- ✘ How many counties know which district their board members represent?

# HEARINGS ON CONDEMNATION

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- ✖ Not Applicable to Private Condemnors
- ✖ 30-Day Timeframe
- ✖ Notice
- ✖ Open Meetings Law
- ✖ Specific Issues to be Discussed

# REMOVING LAND FROM VAD

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- ✗ Voluntarily
  - + Removing part of a farm
- ✗ Involuntarily
  - + Appeal Rights

Removal of notations in Register of Deeds/Tax Office



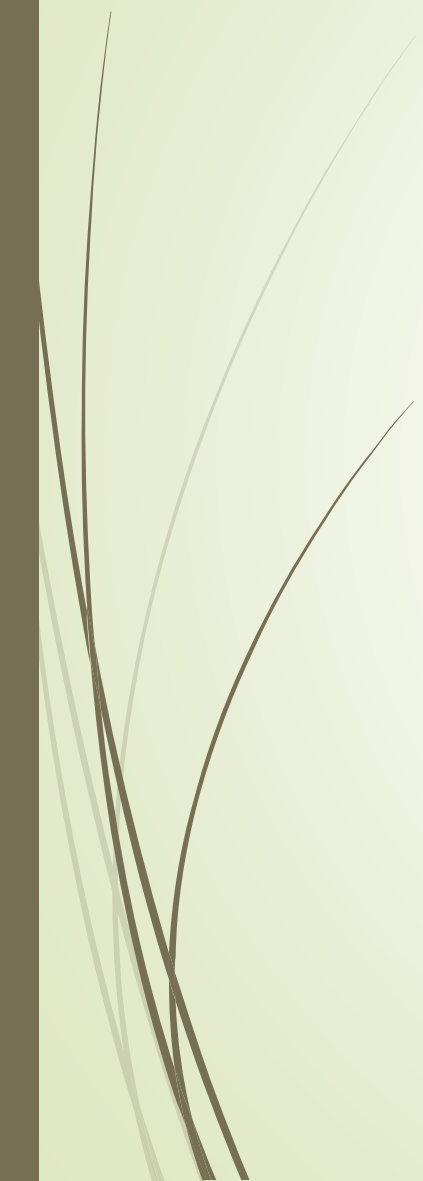
# What is a bona fide farm?


And why does it matter?





## Bona fide farm purposes (from § 153A-340)

- 
- ▶ production and activities relating or incidental to the production of:
    - ▶ Crops
    - ▶ Grains
    - ▶ Fruits
    - ▶ Vegetables
    - ▶ Ornamental and flowering plants
    - ▶ Dairy, livestock, poultry
  - ▶ and all other forms of agriculture, as defined in **G.S. 106-581.1**



# § 106-581.1. Agriculture defined.

- "agriculture", "agricultural", and "farming" refer to all of the following:
  - (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
  - (2) The planting and production of trees and timber.
  - (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
  - (4) Aquaculture as defined in G.S. 106-758.

# § 106-581.1., continued...

- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) **When performed on the farm**, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, **agritourism**, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.



# § 153A-340 continued...

- **"when performed on the farm"** in G.S. 106-581.1(6) shall include the farm within the jurisdiction of the county and any other farm owned or leased to or from others by the bona fide farm operator, no matter where located.
- the production of a **nonfarm product** that:
  - the Department of Agriculture and Consumer Services recognizes as a "Goodness Grows in North Carolina" product
  - is produced on a farm subject to a conservation agreement under G.S. 106-743.2 is a bona fide farm purpose.
  - Examples:



§ 153A-340 continued...

# Sufficient evidence

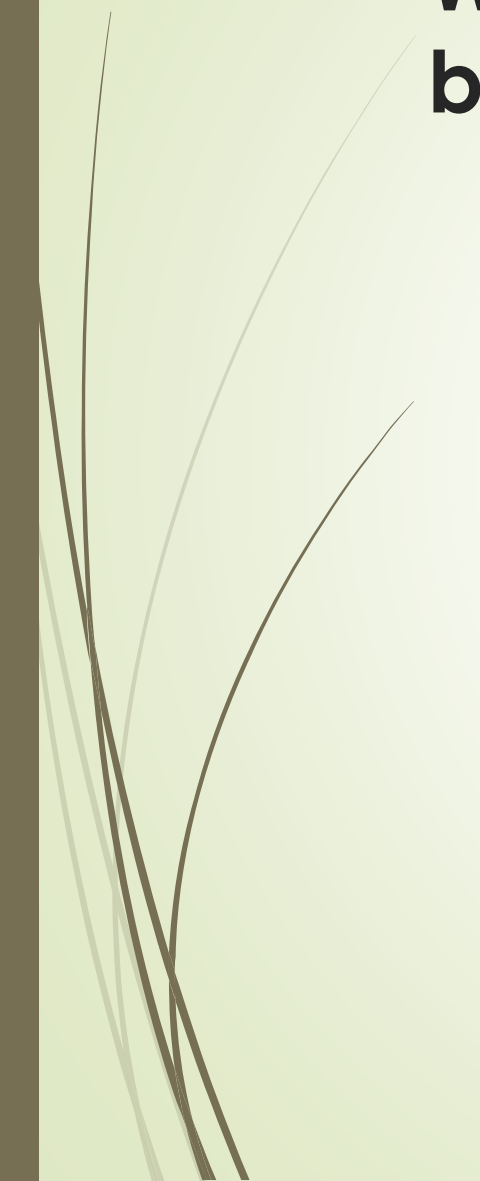
- sufficient evidence that the property is being used for bona fide farm purposes:
  - a. A farm sales tax exemption certificate issued by the Department of Revenue.
  - b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
  - c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
  - d. A forest management plan.





§ 153A-340 continued...

## What about an agritourism building?

- ▶ Yes, if it is on a property owned by a person who:
    - ▶ holds a qualifying farmer sales tax exemption certificate from the Department of Revenue **or**
    - ▶ is enrolled in the present-use value program
- 



§ 153A-340 continued...

# What is an agritourism building?

- used for public or private events, including, but not limited to:
  - Weddings
  - Receptions
  - Meetings
  - Demonstrations of farm activities
  - Meals
  - Other events that are taking place on the farm **because of its farm or rural setting.**



§ 153A-340 continued...

# What is agritourism?

- "agritourism" means:
  - any activity carried out on a farm or ranch that:
    - allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including:
    - farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions.



# Why is bona fide farm use important?

## County Zoning...

- County Zoning regulations do not affect property used for bona fide farm purposes (§ 153A-340)
- However, the use of farm property for nonfarm purposes is still subject to zoning (§ 153A-340)



# Why is bona fide farm use important?

## City/Town Zoning...

- ▶ Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from exercise of the municipality's extraterritorial jurisdiction § 160A-360(k)
- ▶ Property that is being used for bona fide farm purposes on the date of the resolution of intent to consider annexation may not be annexed without the written consent of the owner or owners of the property. § 160A-58.54(c)



# Why is bona fide farm use important?

## The Building Code...

- Certain farm buildings are exempt from the Building Code.
- North Carolina State Building Code: a "farm building" means any nonresidential building or structure that is used for a bona fide farm purpose as provided in G.S. 153A-340.





# Why is bona fide farm use important?

## Ag Cost Share...

- Must be a bona fide farm under G.S. 153A-340(b)(2) to be eligible for Agricultural Cost Share Program under G.S. 106-850(b)(10).



# Why is bona fide farm use important?

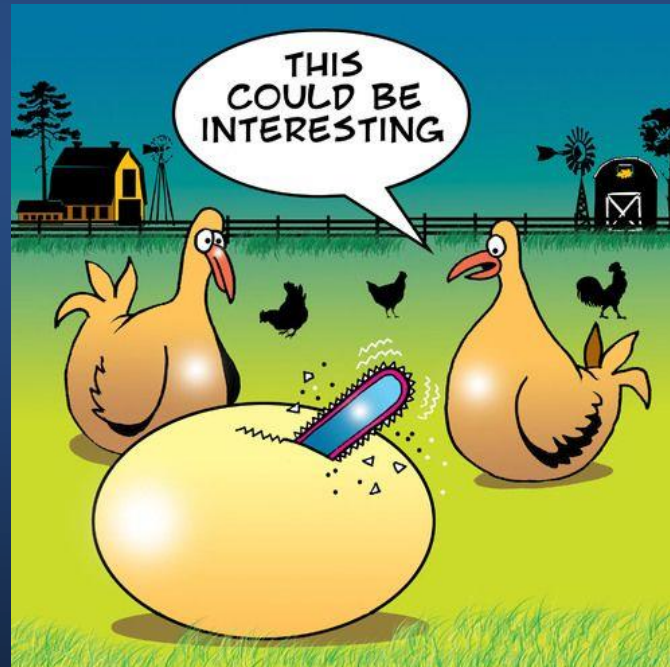
## VAD and EVAD...

- ▶ Although being “bona fide” is not required for VAD and EVAD, bona fide farms certainly qualify, and so receive the following benefits:
  - ▶ Public hearings on condemnation of farmland
  - ▶ Record notice of proximity to farmland
  - ▶ Waiver of water and sewer assessments.
  - ▶ If in an EVAD conservation agreement, may receive up to twenty-five percent (25%) of gross sales from the sale of nonfarm products and still qualify as a bona fide farm that is exempt from zoning regulations (EVAD only).
  - ▶ If in an EVAD conservation agreement, eligible under G.S. 106-850(b) to receive the higher percentage (90%) of cost-share funds for the benefit of that farmland under the Agriculture Cost Share Program (EVAD only).

# Lunch



# Utilization of Geographic Information Systems (GIS) to Map Voluntary Agriculture Districts

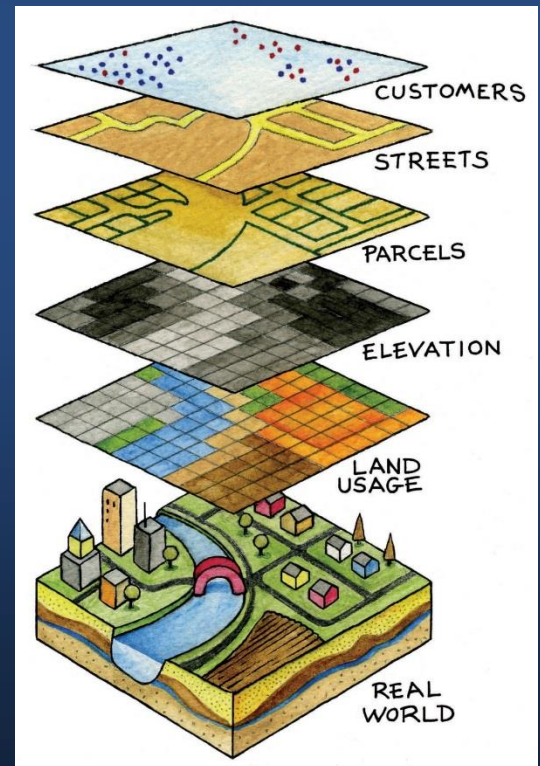


Daniel Madding  
GIS Manager

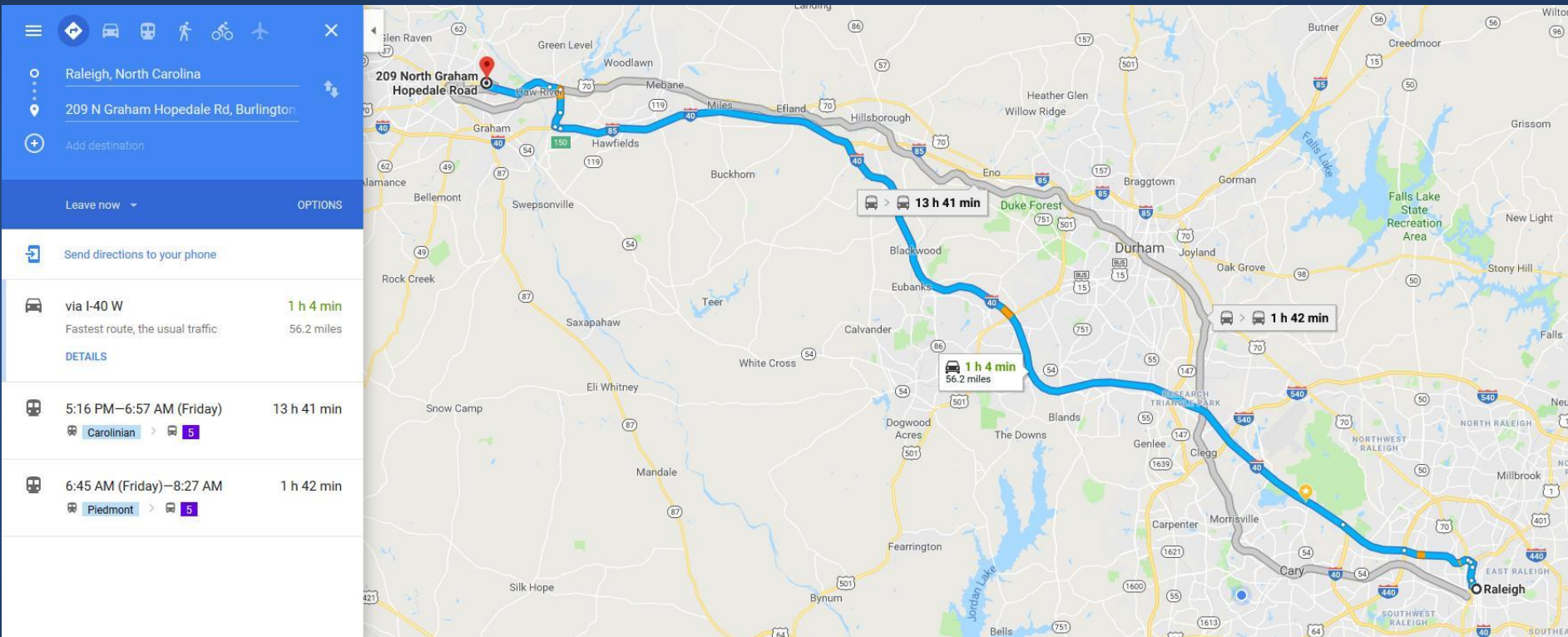
# What is GIS

## Geographic Information Systems (GIS)

- Is computer software that enable users to capture, store, analyze and manage data spatially.

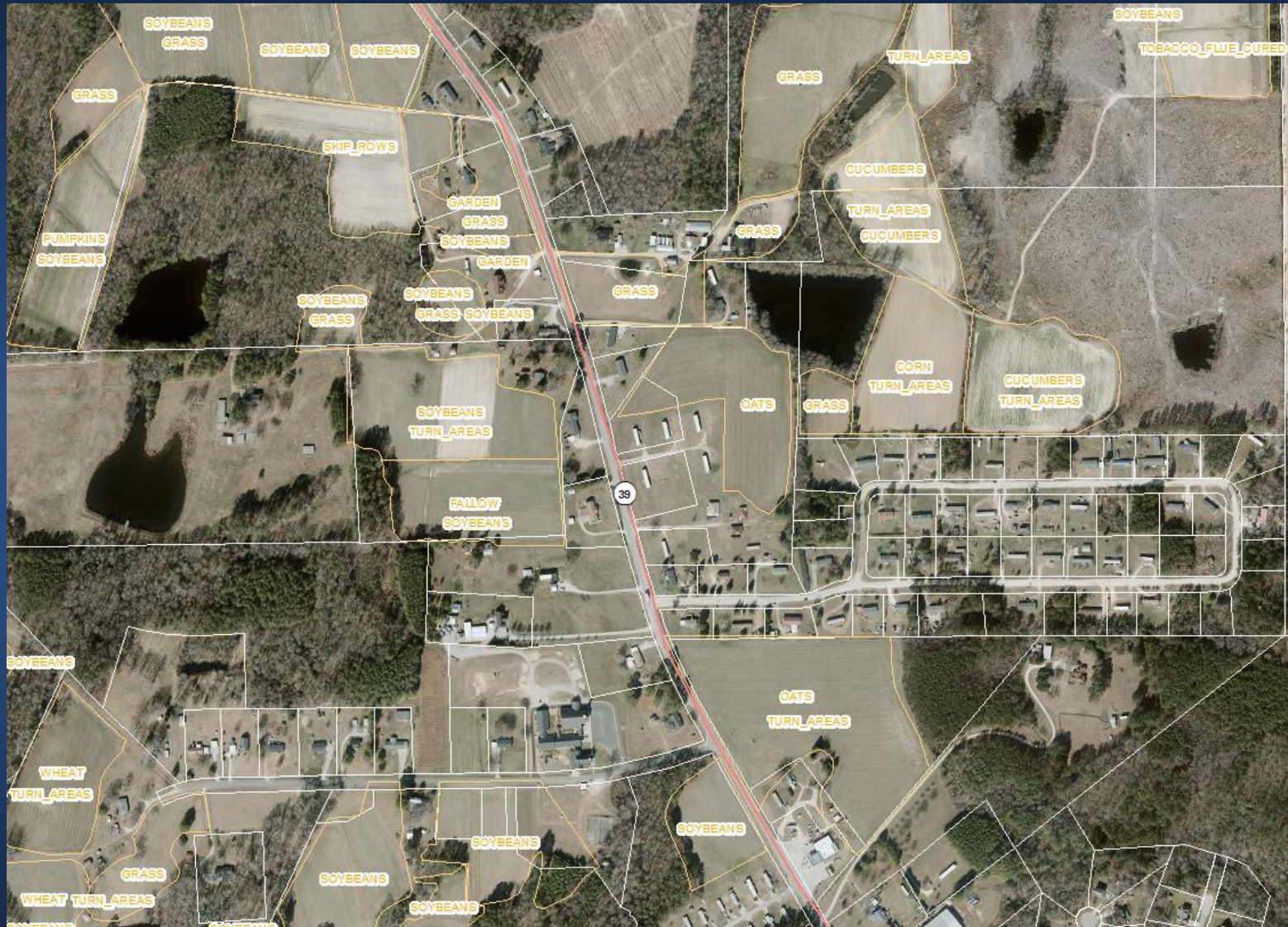


# Google Maps is GIS





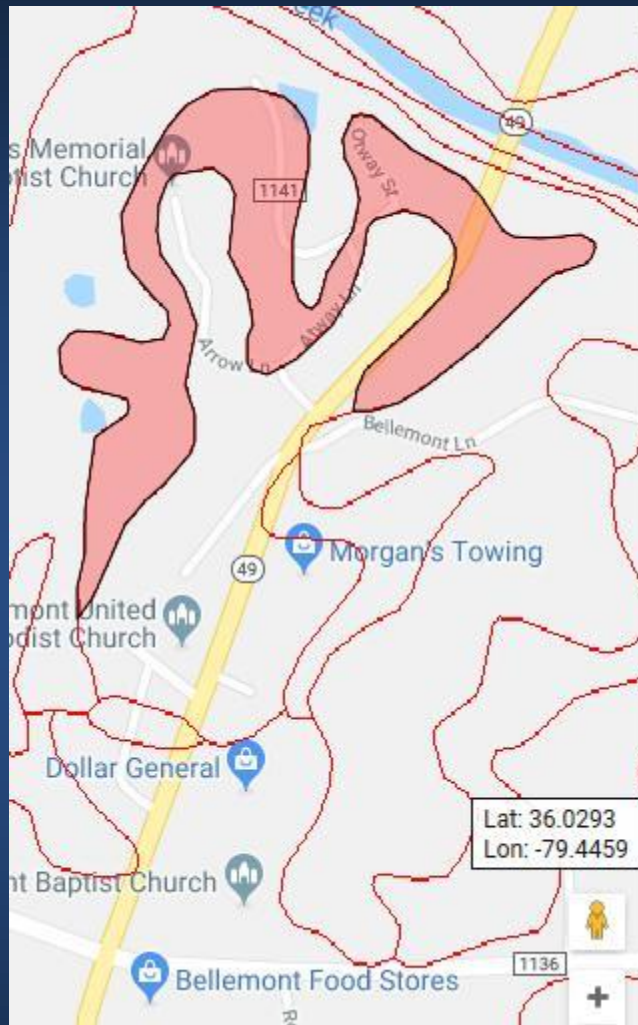
# Using GIS we can..



In under a minute, tell who owns any parcel of land in NC. FSA



# Realist Yields Expectation – GIS Example



Realistic Yields for EeC2: Enon loam, 6 to 10 percent eroded (Wynott) in Albemarle County			
Crop	Yield	Nitrogen Factor	Realistic Nitrogen Rate (lbs/acre)
Bahiagrass (Hay)	3	43	129
Barley (Grain)	65	1.47	95
Caucasion/Old World Bluestem (Hay)	3.2	43	138
Common Bermudagrass (Hay)	3	43	129
Corn (Grain)	120	0.9	108
Corn (Silage)	18.4	10.7	197
Cotton	560	0.073	41
Dallisgrass (Hay)	3	43	129
Fescue (Hay)	4	43	172
Hybrid Bermudagrass (Hay)	4	43	172
Hybrid Bermudagrass overseeded with	0	43	0

Crop	Yield	Nitrogen Factor	Realistic Nitrogen Rate (lbs/acre)
Barley (Grain)	56 Bushels	1.49	
Corn (Grain)	105 Bushels	0.92	
Corn (Silage)	11 Tons	10.9	
Cotton	460 Pounds	0.081	
Sorghum (Silage)	9.4 Tons	7.6	
Oats (Grain)	70 Bushels	1.13	

<http://www.ncmhtd.com/rye/>

# TEAM <https://www.ncmhtd.com/TEAM/>

**TEAM -- Tool for Environmental, Agricultural and Military reporting**

Location Search: jacksonville, Nc

Table of Contents:

- Reference
- ☒ **Parcels** (No legend)
- Environmental Considerations
- Historic Preservation Data
- Military Considerations

\* Zoom-in to make layers demoted in grey available

Disclaimer

**Parcel Data**

Parcel Info | MPA | CPA

Generate Report

Conservation Partnership Areas

NC Natural Heritage Managed Areas:	NO
Streams:	NO
Targeted Local Watersheds for Mitigation:	YES
NC Historic Points of Interest:	NO
Agricultural Land:	NO
NWI Wetlands:	YES
Soils (Hydric Rating):	YES
NC Natural Heritage Natural Areas:	NO

Zoom to

Designed to help land owners find potential conservation funding sources.

# Conservation Easements – GIS Example

<https://www.ncmhtd.com/environmentalprograms/adfpt/>

**NCDA&CS ADFP Trust Fund Easement Viewer**

Map interface showing a yellow polygon representing an easement. A pop-up window titled "ADFPT Easement" displays details for the "Nutter Family Farm" easement.

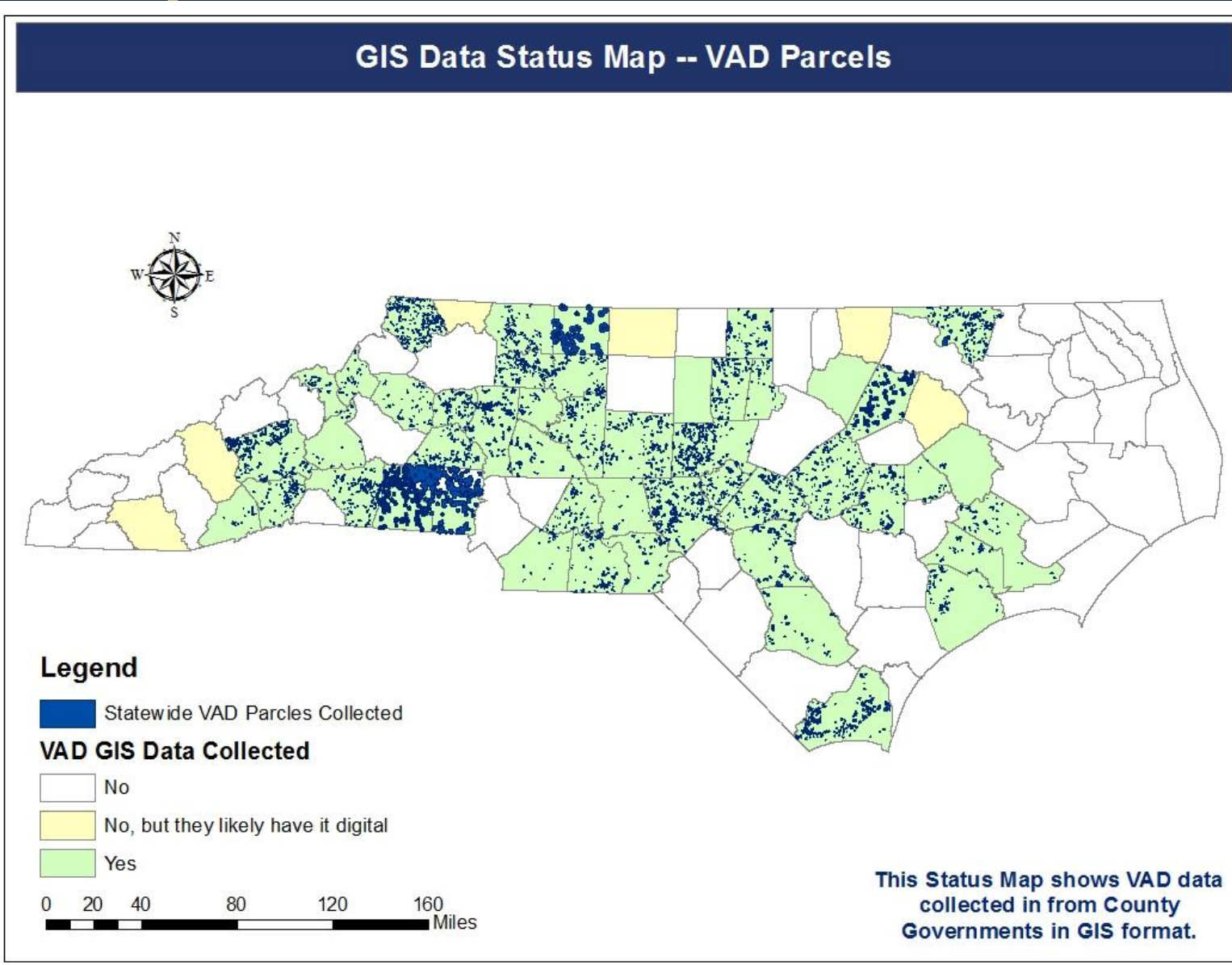
**ADFPT Easement**

**Nutter Family Farm**  
 Triangle Land Conservancy  
 Orange  
**SPO File No:** FARM-068.001  
**Easement Acreage:** 81.34  
[Get Directions](#)

Zoom to



# Map of VAD data in a GIS format



We have VAD data, in a GIS format, for over 50 counties



# Where are you with mapping your VAD

◆ 1980s?



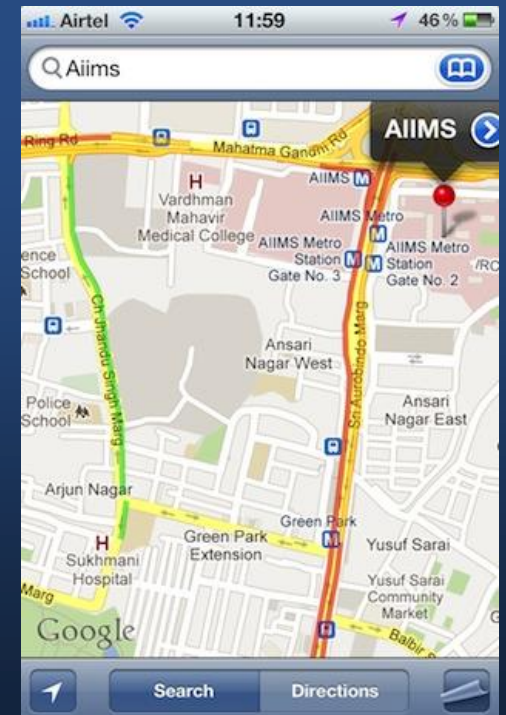
◆ 1990s?



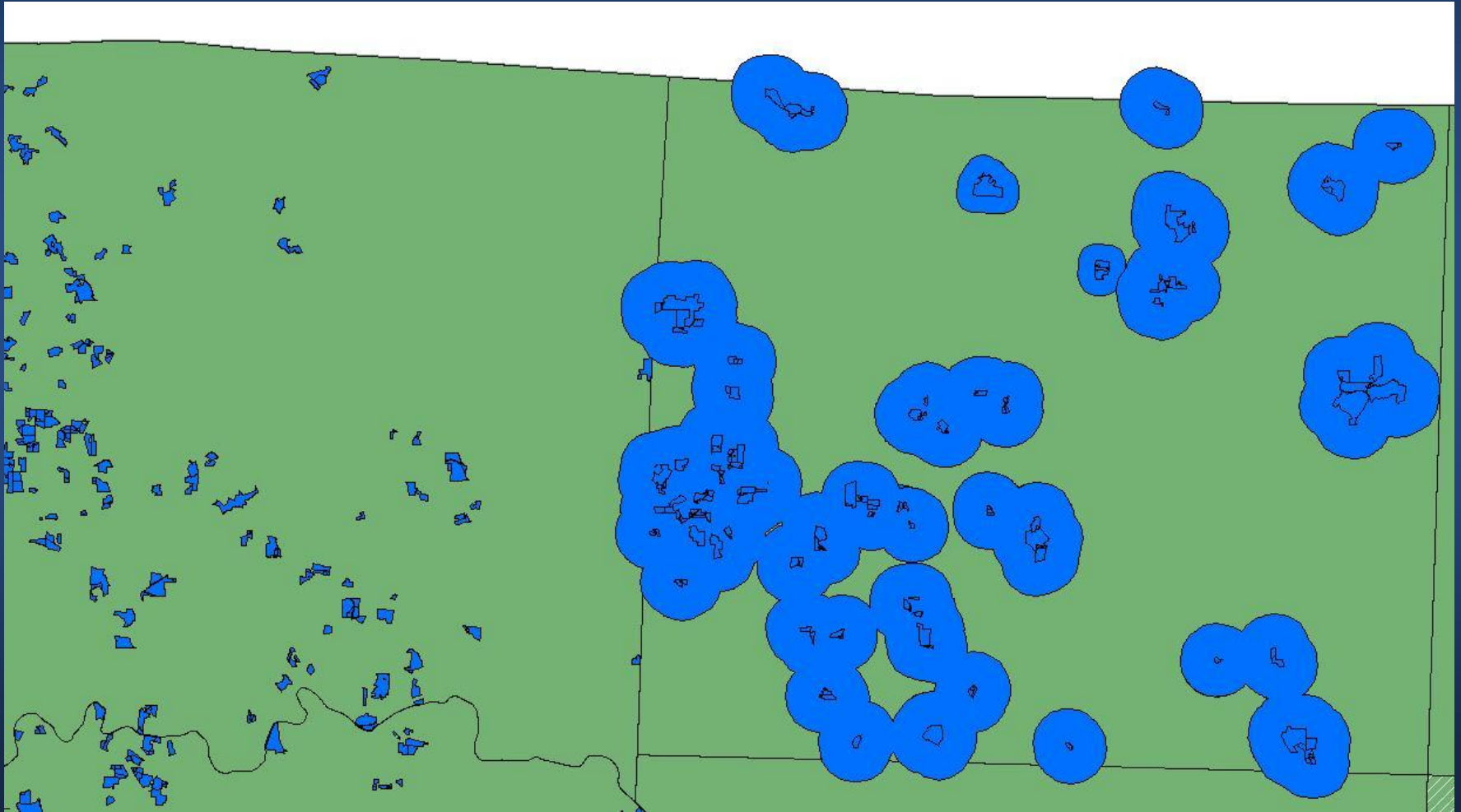
◆ 2000s



◆ Modern?



# Parcels in VAD programs vs. Districts



# Minimum Information to store in your VAD dataset

- ☒ PIN
- ☒ PARCEL\_ID\_
- ☒ NAME\_
- ☒ ADDR\_
- ☒ CITY\_
- ☒ ZIPCD\_
- ☒ COUNTY\_
- ☒ ACRES\_
- ☒ DATE\_ENROL
- ☒ DATE\_RENEW
- ☒ DATA\_DATE

Owner names

Mailing Address (Street, City, St, Zip)

County – GIS can add

Acres – GIS can only add GIS Acres

Date Enrolled

Date Renewed – If applicable

Statewide\_VAD\_2015

PIN	PARCEL_ID_	NAME_	ADDR_	CITY_	ZIPCD_	COUNTY_	ACRES_	DATE_ENROL	DATE_RENEW	DATA_DATE
591900954702		JOHNSON FAMILY FARM LLC	LOUISE AV			Surry	0	<Null>	<Null>	2014
409002958921		JOHNSON FAMILY FARM LLC	OLD LOWGAP S RD			Surry	0	<Null>	<Null>	2014

0 (0 out of 12560 Selected)

# Attributes (data) for the overachievers

- ◆ Applicant
- ◆ Determinant (Data approved by the board)
- ◆ Agreement ID (to tie back to other data)
- ◆ Application Data
- ◆ Historically Enrolled (Do you want in-actives)
- ◆ EVAD – (Yes No)

# PINS vs. Tax IDs

Parcel Indentation Numbers or “PIN”

Do NOT have letters. Normally 10-16 numbers.

Full PINs are unique statewide

- ◆ 00-4410-10-8811-55

True format, not common, will be unique across that state

- ◆ 4410-10-8811— more common

- ◆ 4410.10-8811

Tax ID are from a tax system and can have letters.

- ◆ T012-12\_A99

- ◆ 0123456



# What we can do to help

More than happy to help you make GIS data for your VAD parcels.

Your County GIS staff or Land Records staff is also a good resource  
– Just ask, but don't ask them to go through your file cabinet

If you have an accurate, electronic list of PINs for your VAD parcels,  
-- Making a GIS layer is around 15 minutes of work

Daniel.Madding@ncagr.gov



# Questions?

Daniel.Madding@ncagr.gov



# **Draft Geographic Information Systems (GIS) Data Template**

- **Parcel Identification Number (PIN)**
- **Tax Identification Number (optional)**
- **Owner Name 1**
- **Owner Name 2 (if needed)**
- **Physical address**
- **Date parcel was originally enrolled in VAD Program**
- **Date parcel was last enrolled**
- **VAD or EVAD**
- **Present Use Value (PUV) status**
- **Property description**
- **County or municipal VAD Program**

# Community & Farmland Impact Assessment at NCDOT



*Martha Hodge, Planning Project Manager, CALYX Engineers  
Former NCDOT-Human Environment Section-Community  
Studies Planner*



# Transportation Planning

- **How long to plan, design, and construct a typical highway in NC assuming funding is available?**

- Average is 12 years, although often longer depending on funding



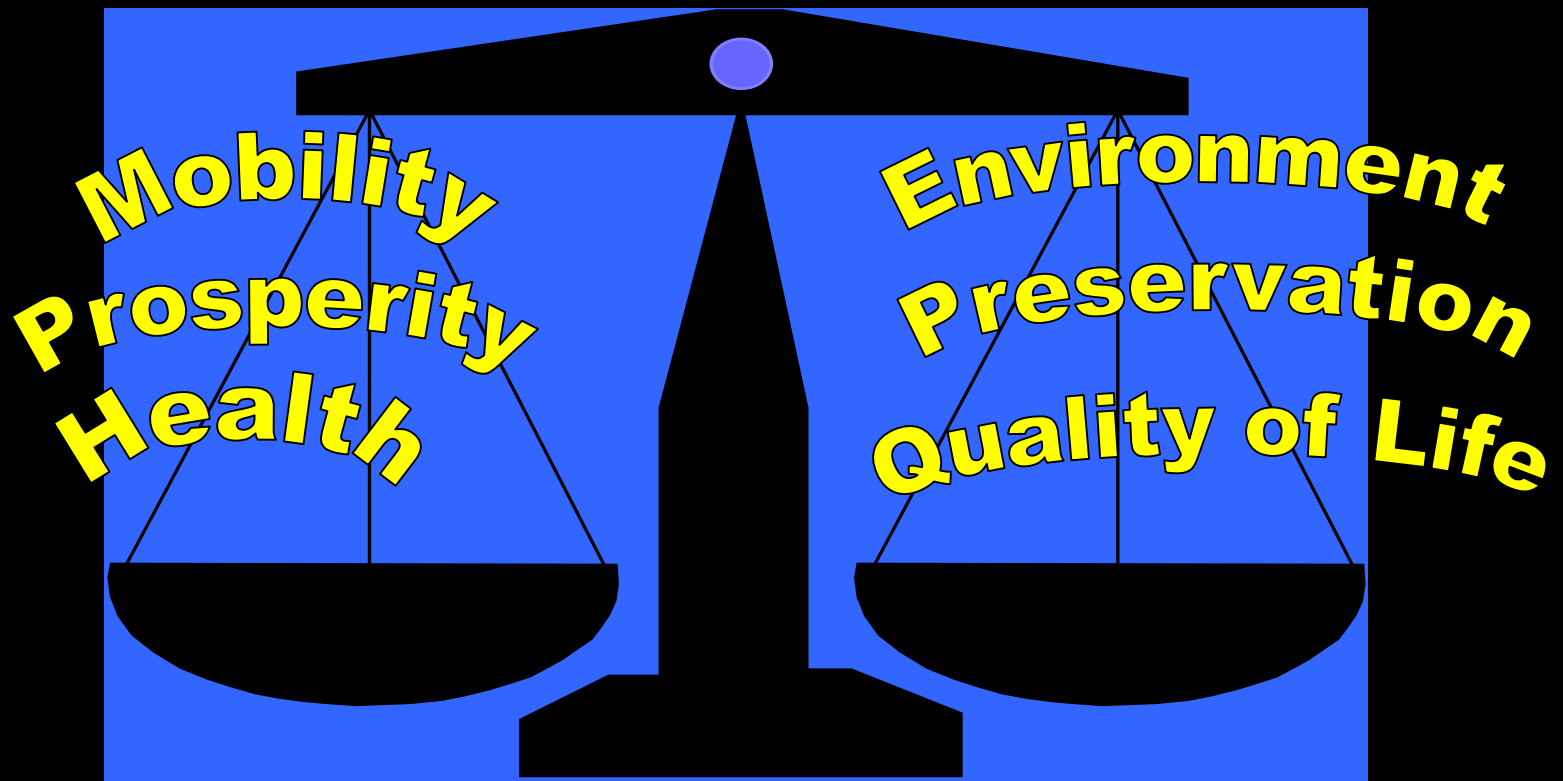
# Environmental Laws & Regulations

- **NEPA / SEPA - National Environmental Policy Act**
- **FPPA - Farmland Protection Policy Act (7 USC 4201)**
  - Prime, unique, local & statewide important soils
  - Farms & farm support operations
  - High scores require consideration of impacts in decision process
  - Does not apply to urbanized areas





# NEPA / SEPA is a Delicate Balance of all the impacts



# **NEPA / SEPA is a Delicate Balance of all the interests**

- **Not just NCDOT; often includes:**
  - **Federal Highways Administration (FHWA)**
  - **US Army Corps of Engineers**
  - **US Environmental Protection Agency**
  - **US Fish & Wildlife Service**
  - **NC Division of Environmental Quality**
  - **NC Wildlife Resources Commission**
  - **State Historic Preservation Office**
  - **US Forest Service**
  - **Local governments, officials & transportation planning organizations**
  - **Citizens**
  - ***ALL have to agree***

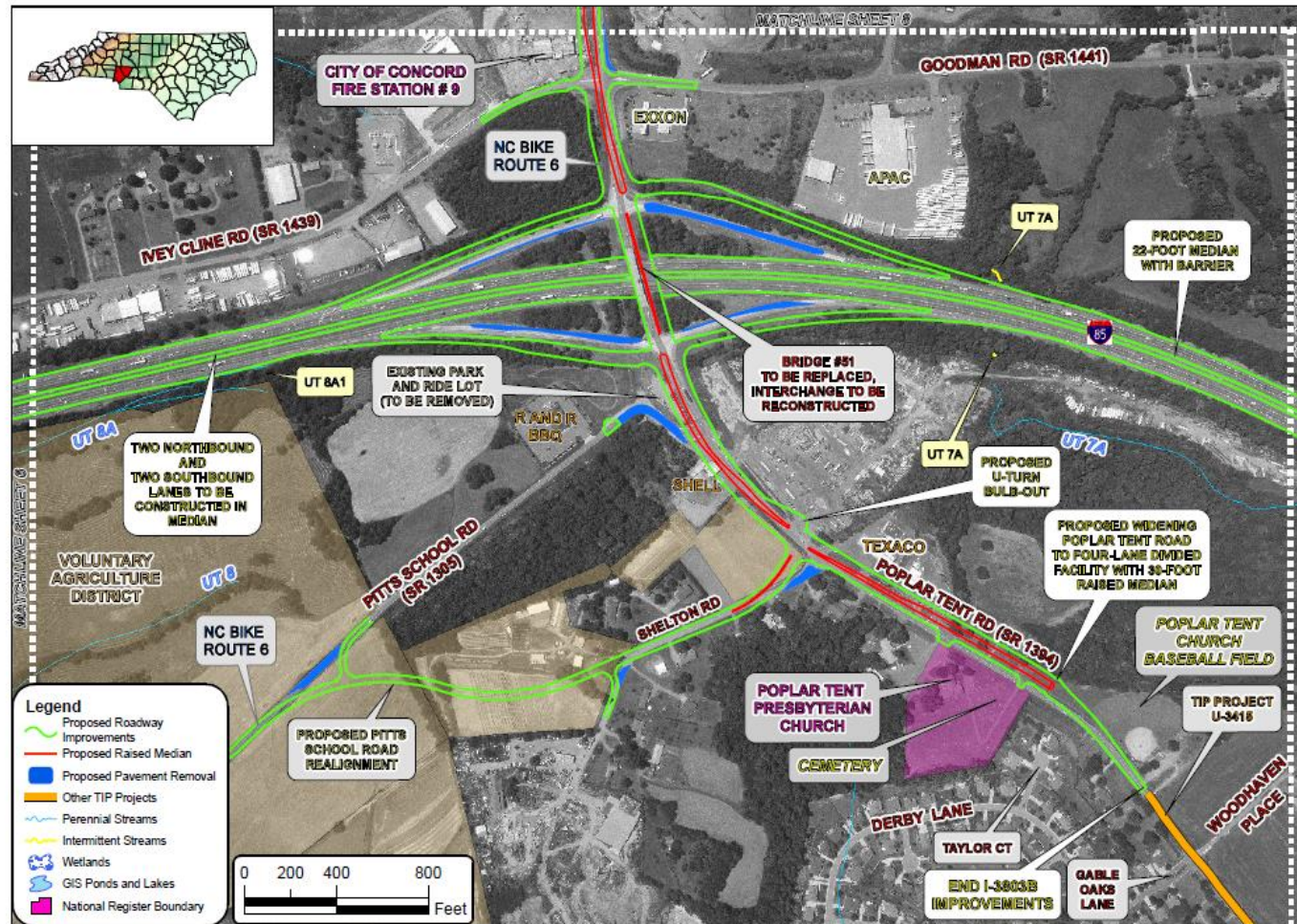


# Laws & Regs

- **State of NC Executive Order 96 (Jim Hunt) - Conservation of Prime Agricultural and Forest Lands**
  - Requires identification & disclosure of Prime Soils impacts
- **Local VAD / EVAD ordinances**
  - Sometimes requires NCDOT to request Public Hearing – only if specified within local ordinance
- **Local Farmland Protection Plans**



# I-85 Project – Pitts School Road & Barbee Farm (VAD)



NORTH CAROLINA DEPARTMENT  
OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
PROJECT DEVELOPMENT AND  
ENVIRONMENTAL ANALYSIS BRANCH

PROPOSED IMPROVEMENTS  
I-85  
FROM 1+485 TO NC 73  
MECKLENBURG AND  
CABARRUS COUNTIES  
TIP PROJECT I-3803B



BY: J. TORTORELLA

COUNTY: MECKLENBURG  
AND CABARRUS

DIV: 10 TICE I-3803B

WBS: 34187.1.1

DATE: MARCH 2009

Figure

2

SHEET 7 of 15



# I-85 Project – Pitts School Road & Barbee Farm (VAD)

- Discovered we had a VAD
- Preferred Alternative impacted the VAD
- Discussed impacts at our Public Hearing
- Requested local Ag Board VAD Public Hearing





# I-85 Project – Pitts School Road & Barbee Farm

But ...

- Not before a whole bunch of people got upset!
- We attended, presented & listened
- Based on VAD presence & public concern about the impacts, NCDOT chose a different alternative alignment
  - *that alignment has a very sharp, almost 90 degree curve*
  - *a balance of impacts, benefits, design compromises – ultimately a more context sensitive design*



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# Turner Road Grade Separation Project

- NCDOT Rail Division corridor upgrade and crossing safety project located in Davidson County between Lexington and Thomasville; part of (SEHSR) corridor
- Proposed bridge impacted a designated VAD
- Per the requirement in the Davidson County VAD Ordinance for condemnations a Public Hearing was held on April 11<sup>th</sup>, 2012







# Public Involvement





# Public Involvement

- **Several opportunities for PI**
  - Public Meetings
  - Corridor and/or Design Public Hearings

***These are your opportunities to be heard!***

- Read the ads & notices, go to the meetings!
  - *VAD owner*
  - *Ag Board members*
  - *NRCS reps*
  - *Local planners*



# VADS & EVADs & Public Hearings

- **Local Ordinance *may* require a Public Hearing (by local ag board) immediately before condemnation –**
  - *That's too late!!*
  - *For you and for NCDOT!*
  - *Get involved; & stay involved*
- **NCDOT will request PH (if required) during environmental analysis phase**
  - Will not request one if not required by local ordinance
  - Will identify and disclose VADs & EVADs on our own CIW & PH maps and figures

# New VADs after the Alignment Decision

- **New VADs after Project Development**
  - **NCDOT will comply with state law for PH's**
- **Highly unlikely that a new VAD or EVAD will affect an alternative decision that has already been made**
  - Some owners adopted VAD's in an effort to stop a project. Years, and millions of \$\$ have gone into planning and design
    - numerous opportunities for input
  - Cost is millions
  - Requires reopening the environmental documents
  - Time to do so is *years*



# Takeaway Points

- Attend NCDOT & MPO/RPO local long range planning meetings in your community (20 years prior to projects)
- Attend PM's for projects in your area (3-5 years before construction)
- Read letters to you from NCDOT
- Respond & communicate





# Contact Info



## **NCDOT- Environmental Analysis Unit**

**Harrison Marshall - Community Studies Group Leader**

*hmarshall@ncdot.gov*

919-707-6079

**Martha Hodge, AICP, Planning Project Manager**

**CALYX Engineers and  
Consultants**

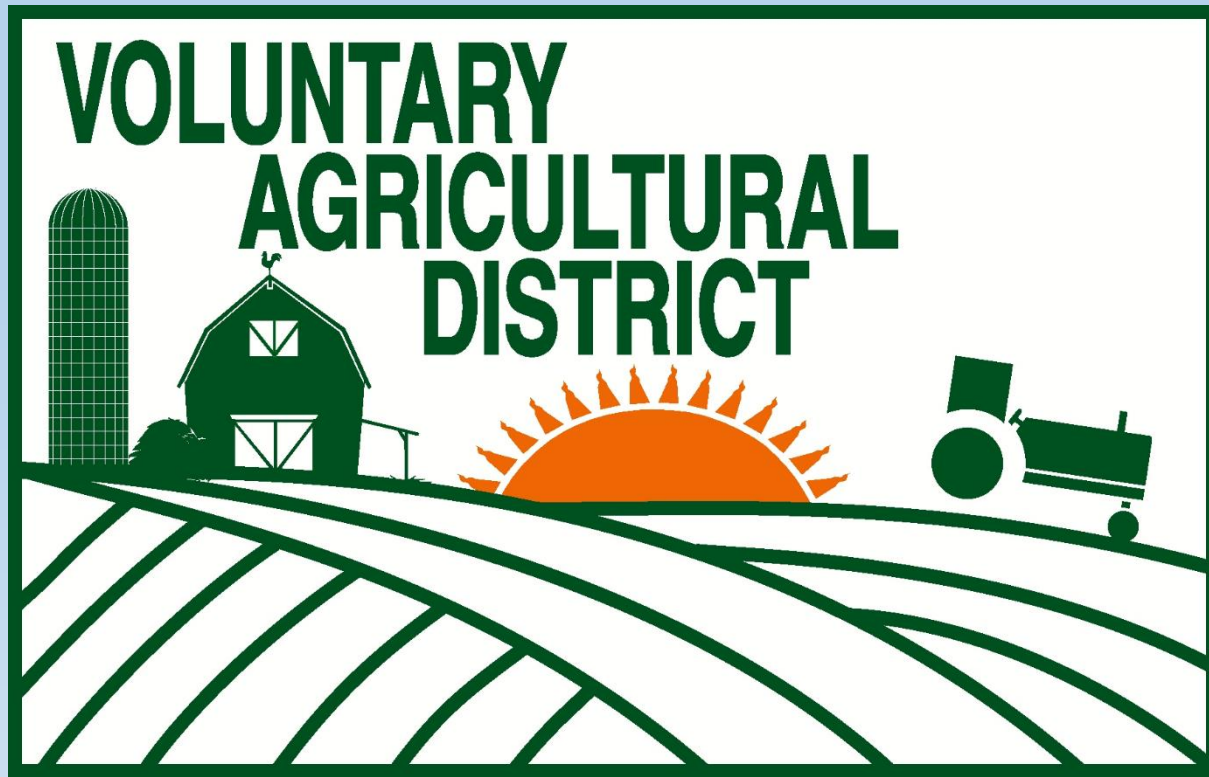
*mhodge@calyxengineers.com*

919-858-1811





# Other Conservation Programs for Landowners



# NC Soil & Water Conservation Cost Share Programs

- ▶ Agriculture Cost Share Program (ACSP)
- ▶ Conservation Reserve Enhancement Program (CREP)
- ▶ Community Conservation Assistance Program (CCAP)
- ▶ Agricultural Water Resources Assistance Program (AgWRAP)





# Program Implementation

## Locally Led Conservation

- ▶ Delivered through 96 local soil & water conservation districts (SWCDs)
- ▶ NC Soil & Water Conservation Commission
  - ▶ Sets statewide rules and policies
  - ▶ Allocates funds to local SWCDs
- ▶ Local districts
  - ▶ Set local funding priorities,
  - ▶ Receives and ranks applications,
  - ▶ Develop conservation plans and design practices
  - ▶ Oversee and certify implementation



# How To Apply

**Contact your local soil and water conservation district office!**

**[www.ncagr.gov/SWC/findyourdistrict.html](http://www.ncagr.gov/SWC/findyourdistrict.html)**

- ▶ ACSP– Counties are allocated funding each year.
- ▶ CREP – Continuous signup
- ▶ AgWRAP – Funds are available in two ways
  - ▶ AgWRAP funding is allocated to counties
  - ▶ Competitive regional application process for selected BMPs
- ▶ CCAP – Competitive application process



**NCDA&CS Division of Soil & Water Conservation**

**[www.ncagr.gov/SWC](http://www.ncagr.gov/SWC)**

**919-707-3770**





# Voluntary Agricultural Districts in Buncombe County

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ARIEL ZIJP

FARMLAND PRESERVATION COORDINATOR

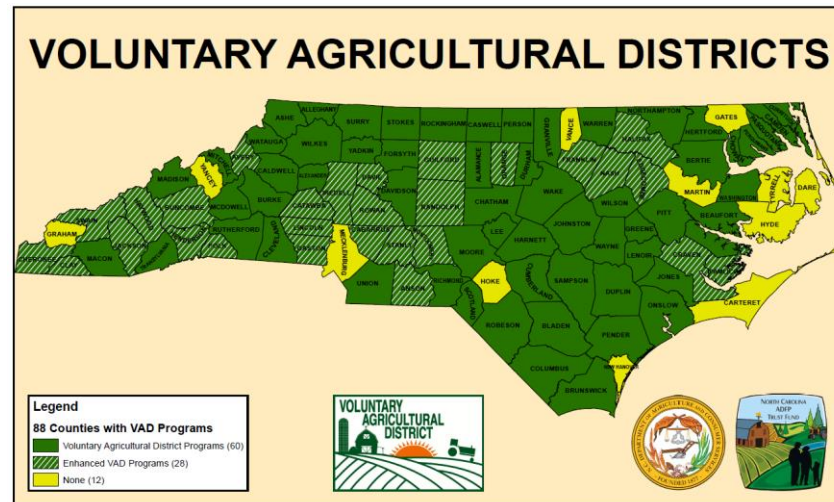
BUNCOMBE COUNTY SOIL AND WATER



# Purpose of Agricultural Districts

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To encourage the preservation and protection of farmland from non-farm development. This is in recognition of the importance of agriculture to the economic and social well being of NC.



## STEP 1

# Voluntary Ag District Eligibility Requirements

- Farm participating in present-use value taxation program or active “agricultural” operation
- Farm managed in accordance to NRCS HEL determinations
- Landowner signs a 10-year voluntary conservation agreement to do no non-farm development on the property
- Early withdrawal available



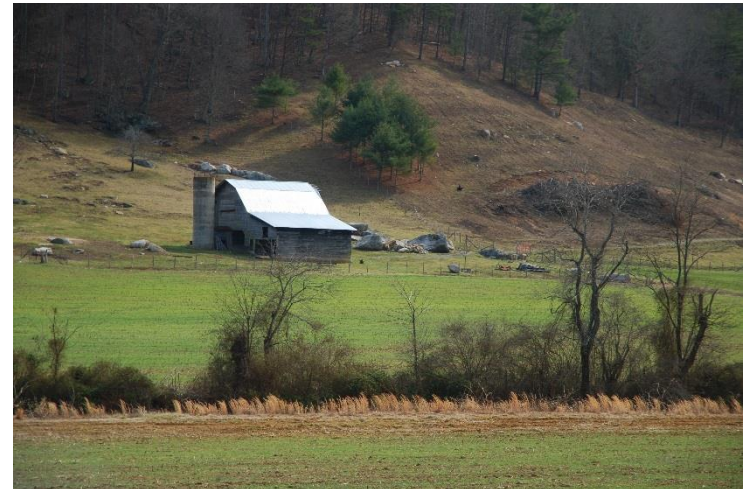
## STEP 2

# Voluntary Ag District Farmer Benefits

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- **Recognition & Public Education about Agriculture**

- Members get a sign to post to show that they are a member
- Increases visibility that the area is a agricultural community
- Creates a statement that the farm is committed to preservation and an agricultural way of life



# Voluntary Ag District Farmer Benefits

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- **Increase protection from nuisance suits**
  - Notice on the property signaling Ag District member
  - Public maps in county offices
  - GIS map on county website
  - Opportunity for any potential purchases surrounding property to be informed of farm community



# Voluntary Ag District Farmer Benefits

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- **Waiver of water and sewer assessments**
  - Landowners in districts who are not connected to county systems can have assessments waived.
- **Public hearings required for proposed condemnation**
  - Hearings held by Ag advisory board if land is in Ag district is possible if a public project seeks to condemn land



# Voluntary Ag District Farmer Benefits

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- **Eligibility for funding**

- District members are eligible for farmland preservation funds at local, state and federal level

- **Official role in county or city government**

- Ag advisory board acts as advisor to the governing board



## STEP 3

# Voluntary Ag District Public Benefits

---

By making a conservation agreement the landowner is:

- **Preserving NC #1 industry**
  - NC Ag is over 68 billion business
  - Program fosters sustainability in top industry
- **Increase county-wide economic Benefit**
  - Food shed protected
- **Promoting quality of life**
  - Fresh food- healthier communities
- **Protecting the ability to buy locally grown products**



## STEP 4

# Voluntary Ag District Application

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- Name:
- Mailing Address:
- Phone number:
- Parcel pin number and number of acres:
- Address of property:
- Conservation Agreement with Landowner's signature and date



## STEP 4

# Voluntary Ag District Conservation Agreement

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If certified by the Agricultural Advisory Board, I agree to sustain, promote and encourage agriculture in the district, support protection against nuisance suites, undesired non-farm development and other negative impacts on participating farms and I agree to prohibit non-farm use of the land under this program for a period of ten years from the date certified by the agricultural advisory board.

This agreement may be revoked by the landowner by written notice to the board or the board may revoked such agreement based on noncompliance by the landowner.

Sign \_\_\_\_\_ Date \_\_\_\_\_

# Ag Advisory Board Members

---

- (1) Each Advisory Board member shall be a County resident.
- (2) At least five of the nine members shall be actively engaged in agriculture. There shall be at least one member from each of the four regions of Buncombe County as designated below;
  - Northwest: Sandy Mush, Leicester, and French Broad Townships
  - Northeast: Black Mountain, Swannanoa, Ivy, Flat Creek, Reems Creek, Beaverdam, and Haw Creek Townships
  - Southwest: Lower Hominy, Upper Hominy, Avery's Creek, and Hazel Townships
  - Southeast: Fairview, Broad River, Limestone, and Biltmore Townships
- (3) The 9 members shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board
- (4) Additional members may be appointed to the Advisory Board in an *ex officio* capacity



## STEP 5

# Ag Advisory Board Meetings

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**Quorum-5 out of 9 members must attend**

### **Board Meeting Organization**

- Board member reports
- VAD/EVAD applications/renewals presented by planning department staff
- Board discusses projects, votes to approve or deny applications
- Farmland preservation program coordinator monthly report
  - Status of conservation easements in progress
  - Status of conservation easement grant applications
  - Organization/structural changes of program
  - Ordinance updates
  - Misc. program updates -Ag breakfast, Farm Heritage Trail, etc.

# Ag Advisory Board Support

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- Staff point person for board communication- Farmland Preservation Coordinator or administrative assistant
  - Email/phone communication
  - Taking minutes during meeting
  - Making agenda
  - Mailing out meeting notices to board members
  - Keeping meeting dates and times up to date on county website for public notice of meetings
  - Coordinating ordinance updates between board members and planning department

# VAD Sign ups

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- Landowner contacts soil and water and we provide application
- We mail out info and applications to all eligible landowners every 3-5 years
- Mail out renewal applications after 10 year period
- Advertise with brochures in ag center offices
- Communicate updates and news through Buncombe County website and through public events like Friends of ag breakfasts



# Voluntary Ag District OVERVIEW

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## **Eligibility Requirements**

- Farm in Present-use-value taxation or “agricultural operation”
- Land managed in accordance to NRCS HEL determination
- Conservation Agreement for no non-farm development for 10 yrs.

## **Benefits for Farmers**

- Recognition and public education of ag
- Increase protection from nuisance suits
- Waiver of water/sewer assessment
- Eligibility for funding
- Role in government

## **Benefits for Public**

- Preserving NC #1 industry
- County-wide economic benefit
- Quality of life
- Ability to buy local products

# Buncombe County FP Program Successes

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- The first county to adopt a farmland preservation ordinance and program
  - 1989 ordinance adopted
  - 1990 first members joined
- One of the first counties to have a farmland protection plan
- One of the only counties to provide financial support towards farmland preservation.





# Buncombe County VAD program successes

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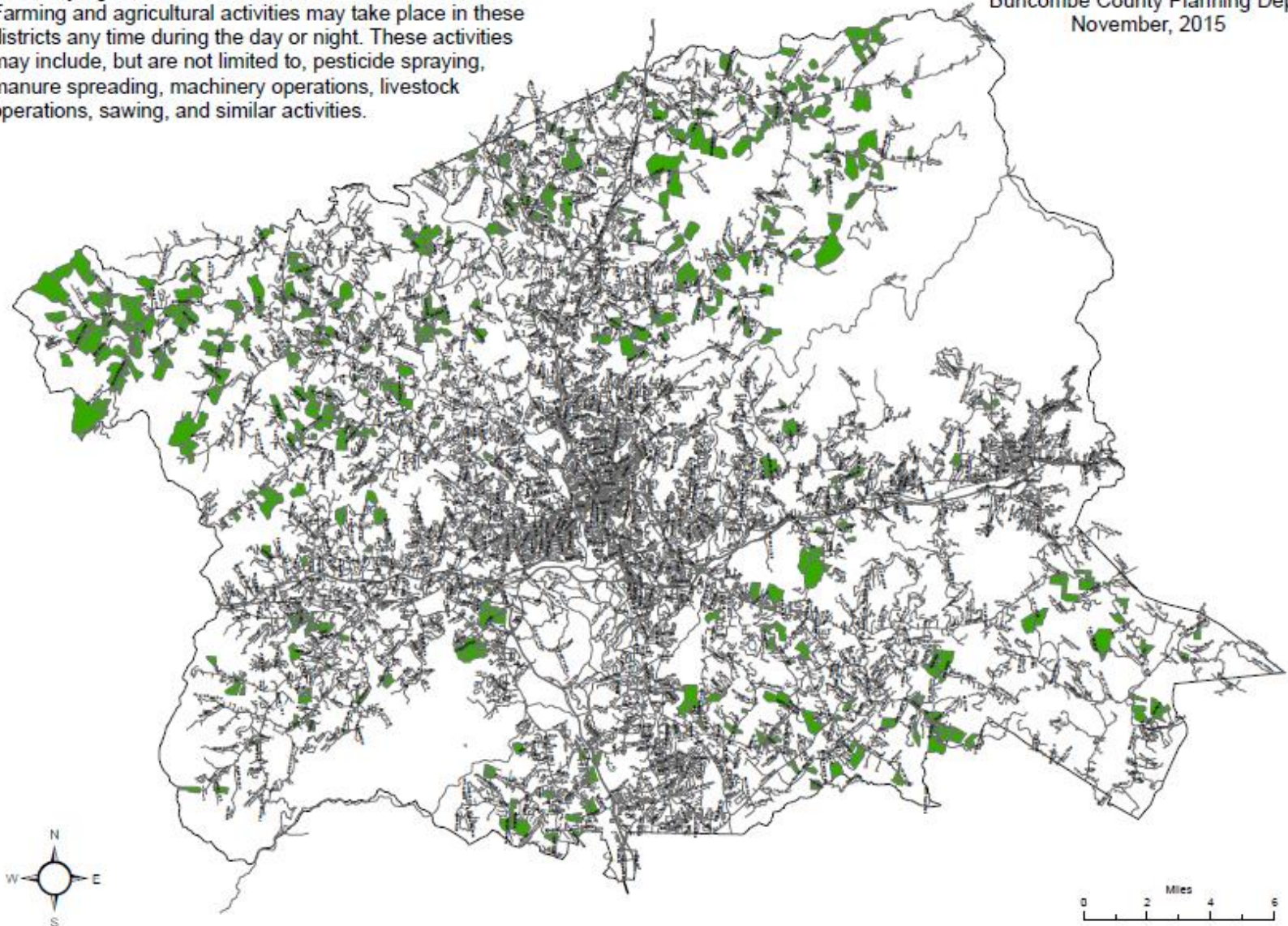
- Buncombe has 340 + farms enrolled
- Over 10,000 acres enrolled
- Physical Maps in register of deeds, planning, tax, soil and water and cooperative extension offices
- [GIS map](#) on the county GIS website
- Communication between S&W and planning department for VAD
- One of the largest VAD programs in NC
- Update ordinance every 5-10 years



## Notice to Real Estate Purchasers in Buncombe County

Voluntary Agricultural Districts for Farmland Preservation: Farming and agricultural activities may take place in these districts any time during the day or night. These activities may include, but are not limited to, pesticide spraying, manure spreading, machinery operations, livestock operations, sawing, and similar activities.

Buncombe County  
Voluntary Agricultural Districts  
Prepared By:  
Buncombe County Planning Dept.  
November, 2015



# Buncombe County Areas to Improve

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- Help other counties improve their programs
- Improve mail out strategy
- Increase Public awareness of program
  - Find funding for more signage and ensure properties have appropriate signage
  - Increase of signs in the community will get neighbors asking





# Questions?

Contact Ariel Zijp

828-250-4794

[Ariel.zijp@buncombecounty.org](mailto:Ariel.zijp@buncombecounty.org)



# *North Carolina Agricultural Development and Farmland Preservation Trust Fund*



North Carolina Department of Agriculture and Consumer Services  
Farmland Preservation Division

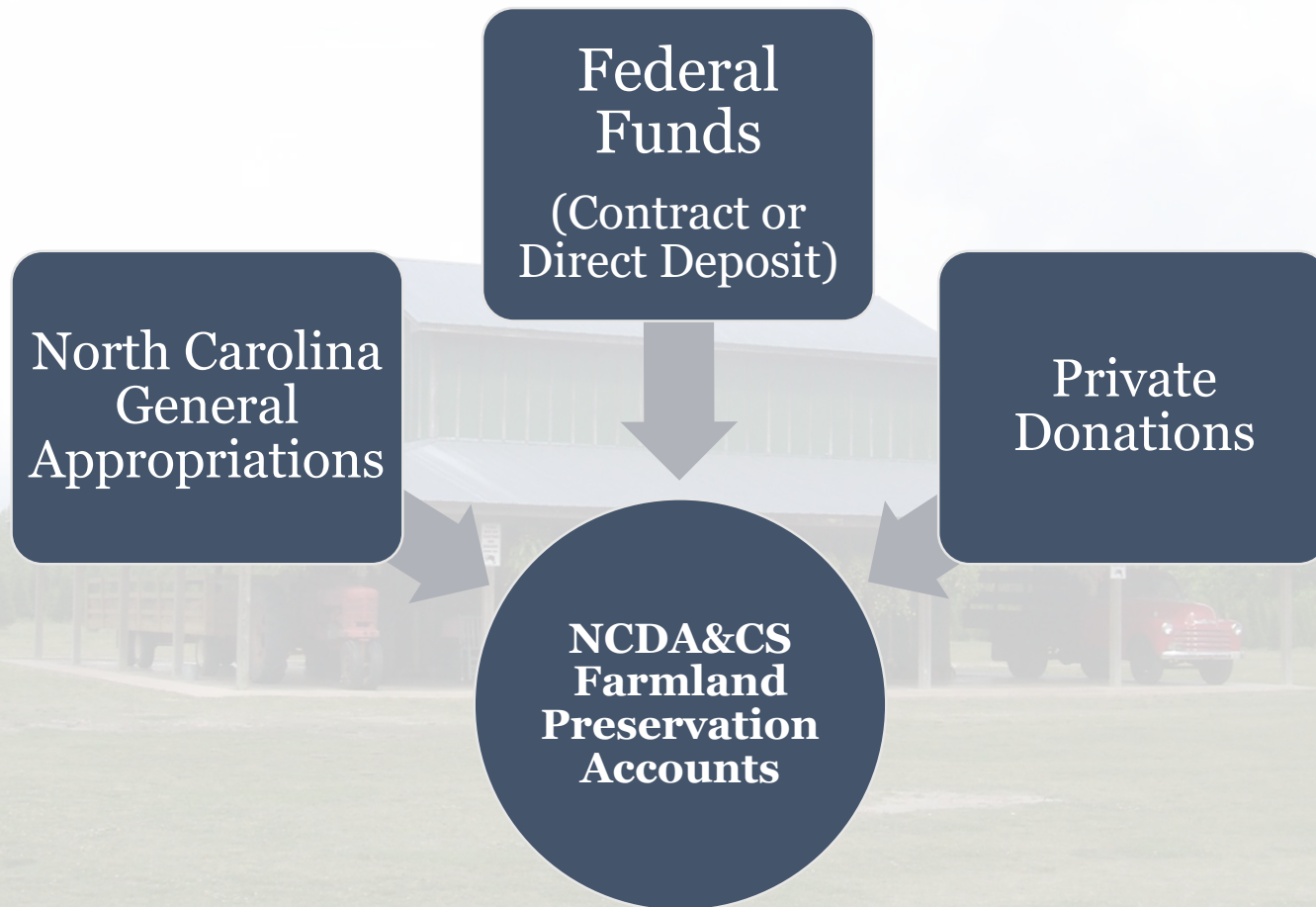
Steve Troxler, Commissioner



## *ADFP Trust Fund Background and Mission*

- In March 2005, Agriculture Commissioner Steve Troxler delivered his "Agricultural Development and Farmland Preservation Strategy" to the North Carolina General Assembly. During the 2005 legislative session, the General Assembly passed House Bill 607, and the Agricultural Development and Farmland Preservation Trust Fund and was signed into law, N.C.G.S. 106-744.
- Assist in the preservation of N.C.'s agricultural economy by providing grants to county governments and non-profit organizations for conservation easements, agricultural agreements and programs.
- To encourage the preservation of qualifying agricultural, horticultural and forestlands to foster the growth, development and sustainability of family farms.
- Prioritize grant funding for maximum match resource utilization from private, local and federal constituent partners.

# *ADFP Trust Fund Funding*





# *Who May Apply for ADFP Trust Fund Grants?*

## **County Governments**



## **Private Nonprofit Conservation Organizations**



- Eligible entities may apply for conservation easements on behalf of private landowners. If awarded grant funds, the application entity will serve as the conservation easement holder.
- Open application period runs from mid-October to mid-December each year.
- Applications are filled out electronically at [www.ncadfp.org](http://www.ncadfp.org)



# *ADFP Trust Fund Grant Categories*

## **Agricultural Development Projects**

- According to N.C.G.S. 106-744, agricultural development projects are defined as “public and private enterprise programs that will promote profitable and sustainable family farms through assistance to farmers in developing and implementing plans for the production of food, fiber, and value-added products, agritourism activities, marketing and sales of agricultural products produced on the farm, and other agriculturally related business activities.”

## **Agricultural Plans**

- Voluntary Agricultural Districts
  - 88 counties have passed VAD ordinances
- Farmland Protection Plans
  - 55 counties have endorsed FPPs
- Cost of Community Services Study
  - Ag lands are net providers of tax dollars





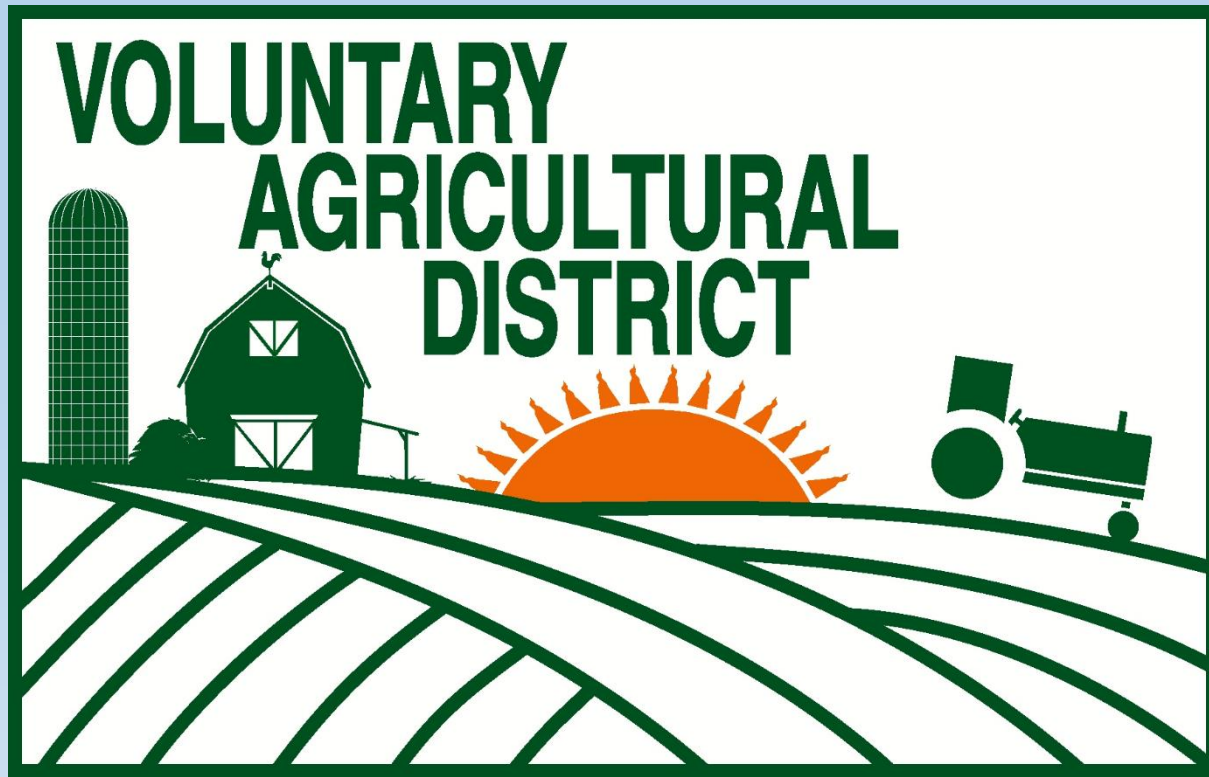
# *ADFP Trust Fund Grant Categories*

## **Conservation Easements**

- According to N.C.G.S. 106-744, an “agricultural conservation easement” means a negative easement in gross restricting residential, commercial, and industrial development of land for the purpose of maintaining its agricultural production capability.
- The ADFP Trust Fund provides grants to remove the development rights off the property and for other costs associated with the recording of the conservation easement.
- The property remains in private ownership.
- The conservation easement is held by a third party. County governments and conservation nonprofits are eligible third parties.
- Monitoring of the conservation easement property is conducted by the easement holder and NCDA&CS for the length of the conservation easement.
- Agricultural conservation easements may be perpetual or term-limited in duration.



# Question and Answer Session



# Question and Answer Session

1. Working with County Government to adopt a true Farmland Preservation Plan and promoting enhanced districts without real incentives to join.
2. The Soil & Water District's role, what resources are available, ADFP Grant Cycles, how to enroll landowners, etc.
3. What programs are available that provide monetary compensation to property owners in exchange for conservation agreements that limit development rights but allow continued ag use?

# Adjourn

